

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

DANVILLE DIVISION

WALTER M. BRUCE,

Plaintiff

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant

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Case No. 4:04cv00072

ORDER

On October 15, 2004, this case was referred to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and recommended disposition. The magistrate judge filed his report and recommendation on August 1, 2005. After reviewing the record in this case and no objections having been filed to the magistrate judge's report and recommendation within ten (10) days of its service upon the parties, this Court adopts the magistrate judge's report in its entirety. Accordingly, it is this day ADJUDGED and ORDERED as follows:

1. The report and recommendation of the United States Magistrate Judge, filed August 1, 2005, shall be, and hereby is, **ADOPTED** in its entirety.
2. For the reasons stated in the magistrate judge's report, this case is **REMANDED** to the commissioner for further proceedings at the final level of the sequential evaluation.

3. The clerk is directed to strike this case from the active docket of this Court and to send certified copies of this Order to all counsel of record and to Magistrate Judge Crigler.

ENTERED this 25<sup>th</sup> day of August, 2005.

/s/ Jackson L. Kiser  
Senior United States District Judge